

cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged in respect to both products for the further reason that their strength and purity fell below the professed standard and quality under which they were sold.

The articles were alleged to be misbranded in that the statements on the labels, "Fluid Extract Aconite N. F." and "Tincture Opium U. S. P. XI", were false and misleading since the former did not conform to the standard laid down in the National Formulary and the latter did not conform to the standard laid down in the United States Pharmacopoeia, 11th revision.

On January 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26800. Misbranding of phenobarbital sodium, and Ven-Calxodine. U. S. v. The Intra Products Co. Plea of guilty. Fine, \$50. (F. & D. no. 38035. Sample nos. 59413-B, 59416-B.)

This case involved quantities of ampoules of phenobarbital sodium and of Ven-Calxodine. The phenobarbital sodium ampoules contained in some instances a greater quantity, and in others a smaller quantity of phenobarbital sodium than that represented on the label. The Ven-Calxodine ampoules contained a greater proportion of sodium iodide than that represented on the label.

On November 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Intra Products Co., a corporation, Denver, Colo., charging shipment by said corporation in violation of the Food and Drugs Act, from the State of Colorado into the State of California on or about September 28, 1935, of a quantity of phenobarbital sodium, and on or about January 3, 1936, of a quantity of Ven-Calxodine that were misbranded.

The phenobarbital sodium ampoules were alleged to be misbranded in that the statement, "Phenobarbital-Sodium 3 Grains", borne on the label of the ampoules, was false and misleading in that it represented that each of the ampoules contained neither more nor less than 3 grains of phenobarbital sodium; whereas in fact some of the ampoules contained more, and others contained less than 3 grains of phenobarbital sodium.

The Ven-Calxodine was alleged to be misbranded in that the statement, "Sodium Iodide (NaI) 0.23 Gm. (4 Grs.) * * * in each 20 Mil. Ampoule", borne on the label of the ampoules, was false and misleading in that it represented that each of the ampoules contained 0.23 grain of sodium iodide per 20 milliliters, and that each of the ampoules contained 4 grains of sodium iodide per 20 milliliters; whereas in fact each of the ampoules contained more than 0.23 grain of sodium iodide per 20 milliliters and more than 4 grains of sodium iodide per 20 milliliters.

On December 8, 1936, a plea of guilty was entered on behalf of defendant corporation and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26801. Misbranding of Juice-O-Veg. U. S. v. 54 Cases of 24 Bottles Each and 21 Additional Bottles of Juice-O-Veg. Default decree of condemnation and destruction. (F. & D. no. 38107. Sample no. 60192-B.)

The bottle labels of this article and an accompanying circular contained false and misleading representations that it consisted of vegetable juice, when it contained fruit juice in addition to vegetable juice; and said circular also contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 3, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases containing 24 bottles each and 21 additional bottles of Juice-O-Veg at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about May 19, 1936, by Juice-O-Veg, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted of plant juices, 95 percent of which was water, and that each 100 cubic centimeters contained an inconsequential proportion of salts of iron, calcium, manganese, magnesium, potassium, and sodium, including phosphates and silicates.

The article was alleged to be misbranded in that its name "Juice-O-Veg", appearing on the label, and the following statements contained in an accompanying circular, representing that it consisted of vegetable juice, were false and misleading, since it did not consist solely of vegetable juice, but contained fruit juice in addition: "Why * * * There are twenty-six thousand billion tiny cells that make up our own bodies, nerves, blood, glands, and organs. These microscopic cells need living food in order to reproduce themselves and to do their work within the living body. Fresh vegetables contain all of the 'living food' necessary for your cells. How much fresh, raw vegetables are included in your regular diet? * * * Juice-O-Veg is * * * combined liquor from fresh, raw vegetable juices. When you drink these juices, you get the living mineral salts in a concentrated form. They make up for any deficiency in your diet. * * * 'We find this vegetable juice excellent,' * * * Juice-O-Veg is a twentieth century contribution to the correction of the typical starch-drenched, sugar-loaded, mineral-deficient, unbalanced diet of men, women and children everywhere. Juice-O-Veg the concentrated health liquid, is pressed through a specially developed machine, releasing every vital drop of the tissue-sweetening, acid-neutralizing, nerve-strengthening, appetite-restoring, eye brightening, youth regaining, old age deferring vitamins and minerals."

The article was alleged to be misbranded further in that the following statements contained in an accompanying circular falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "What * * * Juice-O-Veg contains vitamins and mineral building elements, which doctors and scientists call the 'protectors of life.' Laboratory tests show that Juice-O-Veg is rich in the following vitamins and elements: Vitamin A—Raises resistance to infection and helps the eyes. Vitamin B—Nourishes the nerves and tones the digestive system. Vitamin C—Prevents tooth decay, aches in joints, strengthens gums. Calcium—Neutralizes acid, heals wounds, makes strong bones and teeth. Iron—Prevents anemia, and makes red blood. Potassium—Flushes the cells, strengthens the heart. Magnesium—Relaxes and reduces nerve tension. Manganese—Carries oxygen and makes the body flexible. Silicon—Hardens the tooth enamel and aids hair growth. Fluorine—Whitens the eye and aids in bone-knitting. How many of these essential food elements do you get in your diet? Juice-O-Veg daily will give you the necessary 'protectors of life'. * * * * Aside from the health value of Juice-O-Veg, it is a * * * stimulating drink. * * * Sparkling eyes and cheerful faces. Yes, even men and women of mature years, through the discovery of food science may become radiant with youthful vigor and the rapture of youthfulness and life. Letters such as these come in every day. Adults and children drink Juice-O-Veg because they like it. Get the Juice-O-Veg habit. * * * 'In my mind there is no question of Juice-O-Veg being very rich in blood-cleansing mineral elements. It has proven remarkably effective in practically clearing up a stubborn condition of facial blemishes for me. I am going to use it indefinitely * * * It has helped my reducing schedule wonderfully,' * * * It has given him more pep * * * Juice-O-Veg is a boon to the thousands of people who go through life, day by day, only half-alive. Their bodies are saturated with acids, complexions blemished, eyes dulled, appetites faded, nerves weakened, faces drawn and haggard, all through wrong living and unnatural foods. Juice-O-Veg the concentrated health liquid, is pressed through a specially developed machine, releasing every vital drop of the tissue-sweetening, acid-neutralizing, nerve-strengthening, appetite-restoring, eye brightening, youth regaining, old age deferring vitamins and minerals."

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26802. Alleged adulteration and misbranding of Tablets Phenobarbital. U. S. v. The Zemmer Co. Tried to the court. Judgment of not guilty. (F. & D. no. 30190. Sample no. 9904-A.)

These tablets were alleged to contain less than the quantity of phenobarbital represented on the label.